



MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
CITY COMMISSION CHAMBERS, CITY HALL
THURSDAY, SEPTEMBER 19, 2013 4:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, September 19, 2013, in the Commission Chambers at City Hall. Chairman James Argento called the meeting to order at 4:30 p.m. The following Commission members were present:

James Argento
Clell Coleman
Agnes Berry
Charles Townsend
Frazier J. Marshall
Ted Bowersox

City staff that was present Dan Miller, Senior Planner, and Dianne Pacewicz, Administrative Assistant II. City Attorney Fred Morrison was also present.

The meeting opened with an invocation given by Commissioner Agnes Berry and the Pledge of Allegiance to the Flag.

Dan Miller, Senior Planner, informed the audience of the rules of participation and the need to sign the speaker's registry. He also informed Commissioners and the audience of the City Commission meeting dates tentatively scheduled.

Dianne Pacewicz swore in staff as well as anyone wishing to speak.

MINUTES OF PLANNING & ZONING COMMISSION MEETING FOR AUGUST 8, 2013.

Commissioner Ted Bowersox moved to APPROVE the minutes from the AUGUST 8, 2013 meeting. Commissioner Charles Townsend SECONDED the motion, which was PASSED by a vote of 6 to 0.

NEW BUSINESS

1. PUBLIC HEARING CASE # RZ-13-87 – ROYAL PALMS – REZONING

ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 32 ACRES FROM CITY R-3 (HIGH DENSITY RESIDENTIAL) WITH A PDO (PLANNED DEVELOPMENT OVERLAY TO CITY PUD (PLANNED UNIT DEVELOPMENT) TO ALLOW FOR THE DEVELOPMENT OF 250 MULTI-FAMILY APARTMENT UNITS FOR A PROPERTY LOCATED ON THE WEST SIDE OF LAKE STREET, SOUTH OF DIXIE AVENUE AS LEGALLY DESCRIBED IN SECTION 25, TOWNSHIP 19, RANGE 24, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(CITY COMMISSION DATES - 1st READING ON OCTOBER 14TH, 2013 AND A 2ND READING ON OCTOBER 28TH, 2013)**

Dan Miller entered and presented the exhibits into record. The exhibit items included the staff summary, departmental review summary, staff recommendations, general location/aerial map, land use and zoning maps, wetlands and flood zone map, site photos, and conceptual site plan.

There were two comments received from the City departments.

“Case # RZ-13-87- Royal Palms is approved by the City of Leesburg Gas Dept per Kim Keenan – Gas Distribution Coordinator. This project will be required to use natural gas in 80% of its residential homes, to include a gas hot water heater and natural gas furnace. Please contact Kim Keenan at 352-435-9420.”

“A significant portion of this property lines within the flood plain. The base flood elevation is established at 63.8 feet. Flood plain construction standards will be required and structures will require LOMA exclusions or flood plain insurance.” – DC Maudlin – 9/4/13

There was one public response received for approval and one response was received for disapproval with the following comment.

“I most likely will not be able to attend the planning and zoning meeting Thursday but wanted to voice my opposition to the rezoning proposed for apartments. It will create too much traffic and add to the problem that Leesburg has already of too many rental properties. Dixie Avenue already has a number of apartment buildings scattered up and down the road which are rundown already. I understand the plans are very vague and most like are a avenue to sell the property to another developer.” – Jeff Sustarsic

The Planning & Zoning staff recommended the approval of the request for the following reasons:

1. The proposed PUD (Planned Unit Development) zoning district is compatible with adjacent property in the City zoned R-1A (Single Family Residential) to the south, R-2 (Medium Density Residential) and PUD (Planned Unit Development) to the east, City R-3 (High Density Residential) to the north, and Lake Harris to the south and west. As conditioned, the proposed use does not appear to be detrimental to surrounding properties.
2. The proposed zoning district PUD (Planned Unit Development) as conditioned and shown in the attached “Exhibit A” is compatible with the existing City Future Land Use designation of General Commercial.
3. The rezoning of the subject properties is consistent with the City’s Growth Management Plan, Future Land Use Element, Goal I, and Objective 1.6.

Action Requested:

1. Vote to approve the staff recommendation to rezone the subject property with the proposed Royal Palms Planned Development Conditions attached hereto as Exhibit A and forward to the City Commission for consideration.

Dan Miller highlighted the following in the PUD conditions to expedite.

3. LAND USE

The above-described property, containing approximately 31 acres, shall be used for multi-family and commercial uses pursuant to City of Leesburg development codes and standards.

A. Uses

- 1) Uses shall be those listed as permitted uses in the PUD district as amended in this document and shall occupy the approximate area as shown on the Conceptual Plan Exhibit C.
- 2) Permitted uses shall be as follows:
 - a. residential in including multi-family and condominiums
 - b. restaurant with boat dock, bar and lounge
 - c. assisted living facility

- d. outdoor recreation accessory to residential uses
 - e. hotel
 - f. Any other similar uses which are considered accessory to permitted uses which does not adversely impact the adjoining properties do to traffic, noise, dust, etc.
- 3) Uses prohibited shall be as follows:
- a. All other uses not specifically permitted by A.2) above.

B. Residential Development

- 1) The project shall contain a maximum of 250 attached residential units on approximately 31 acres at a gross density of approximately eight (8) units per acre.
- 2) The minimum development standards shall be those required for the R-3 High Density Residential district except as amended by this agreement.
- 3) The units shall provide for a minimum living area of 1,000 square feet.
- 4) The external architecture of the buildings at a minimum shall incorporate the same design elements of the elevation submitted as Exhibit D. Variations with similar characterizes may be approved by the Community Development Director.
- 5) The following minimum yard setbacks shall be maintained:
Front setback –100 feet;
Rear setback –50 feet; and
Side setbacks - minimum 200 feet on each side.
- 6) Minimum building setbacks shall be fifty (50) feet from any abutting residential district property boundaries.
- 7) Minimum distance between structures shall be 30 feet; measured from building wall to building wall.
- 8) Accessory structures shall have a minimum rear setback of 50 feet and side setback of 100 feet.
- 9) Impervious surface coverage shall not exceed 50 percent.
- 10) Maximum building height shall not exceed four (4) stories except for additional height approved by staff for roof, elevators, a/c units etc.
- 11) A minimum of fifty (50) percent of the site shall be developed as open space, including retention areas, buffer and landscaped areas. Parking areas and vehicle access areas shall not be considered in calculating open space.

C. Recreational Development

- 1) Recreational development shall include active and passive uses. Recreational development shall meet the requirements of the City of Leesburg Land Development Code (as amended) and adopted Growth Management Plan (as amended).
- 2) Recreational development provided on the site shall include active and passive uses, as well as enclosed or un-enclosed recreational space, devoted to the joint use of the residents. Such recreation space shall consist of not less than two hundred (200) square feet of space per dwelling unit. In computing usable recreation space, the following items may be considered at one and twenty-five hundredths (1.25) times the actual area.
 - a. Recreational activities such as tennis and hand ball courts, etc.
 - b. Developed recreational trails which provide access to the public trail system.
 - c. Swimming pool, including the deck area which normally surrounds such pools.
 - d. Indoor recreation rooms provided such rooms are permanently maintained for

the use of residents for recreation.

- 3) Required stormwater areas and buffer areas shall not be considered as recreational space except for areas developed as recreational trails which provide access to the public trail system.
 - 4) The Planned Unit Development shall provide planned accessibility from all areas of the development to any proposed recreational facilities including pedestrian access where possible.
 - 5) The developer shall dedicate an easement for a walkway trail along the lake and construct a board walk in that easement for public access.
- D. Limited commercial uses shall be allowed within buildings designated for recreational use and shall be intended for the primary use of project residents except for Permitted Uses in 3.A.2). The location and intensity of such uses shall be approved by the City staff as part of the site plan review process. Examples of such uses are sales office, ATM or coffee shop etc.
- E. The commercial use of a sales office and/or model center shall be a permitted use as long as it is specifically related to the PUD residential development of the site.

4. SITE ACCESS

- A. Access to the site shall be provided by a minimum of two access points which maybe gated as shown on the conceptual off Lake Ave. The one access shall be a primary access through divided boulevard type entrance. The other shall be an emergency only access. The Lake Ave access shall line up with the Venetian Isles project access point to the east, where feasible. Any additional access shall be reviewed through the Traffic Study required and the City's site plan review process. Final determination of the direction of traffic movement into and out of all permitted access points shall be determined through the Traffic Study as required by the City's site plan review process.

5. DESIGN/ARCHITECTURAL REQUIREMENTS

- A. All buildings shall have a common architectural theme for each phase and the side of buildings which face residential areas or streets (public or private) shall be finished in the same materials as used in the front of buildings.
- B. Exterior building materials contribute significantly to the visual impact of a building on the community. They shall be well designed and integrated into a comprehensive design style for the project including sides and rear of buildings which shall be integrated with the front elevation materials and design.
- C. Mechanical units and roof equipment should be screened from view with parapet or other screening method so that mechanical equipment is not seen from public right-of-way and the adjacent residential property.
- D. Exterior building materials contribute significantly to the visual impact of a building on the community. They shall be well designed and integrated into a comprehensive design style for the project. The total exterior wall area of each building elevation shall be composed of one of the following:
- 1) At least thirty-five percent (35%) full-width brick or stone (not including window and door areas and related trim areas), with the balance being any type of lap siding and/or stucco.
 - 2) At least thirty percent (30%) full-width brick or stone, with the balance being stucco and/or a "cementitious" lap siding. (A "cementitious" lap siding product is defined as a manufactured strip siding composed of cement-based materials rather than wood fiber-based or plastic-based materials. For example, Masonite or vinyl lap siding would not be allowed under this option).

- 3) All textured stucco, provided there are unique design features such as recessed areas, tile roofs, arched windows etc. in the elevations of the buildings or the buildings are all brick stucco. Unique design features shall be reviewed by the Community Development Director for compliance.
- E. Design of the project shall comply with the intent of the Design Guideline Requirements.
- F. Residential multi-family units shall be designed with elevations that are the same or similar to the attached elevations (See Exhibit D).
- G. Other similar design variations meeting the intent of this section may be approved at the discretion of the Community Development Director.

6. WETLANDS

- A. All wetlands on the project site shall be identified and the location and extent of each wetland shall be determined by St. Johns River Water Management District and/or U.S. Army Corp of Engineers. Each wetland shall be placed on a suitable map, signed and sealed by a surveyor registered to practice in Florida and shall be submitted as part of the site plan application.
- B. Buildings or structures shall be a minimum of 50 feet from any wetland jurisdiction boundary.
- C. Wetlands shall have a minimum upland buffer of 25 feet or the upland buffer established by St. Johns River Water Management District and/or U.S. Army Corp of Engineers; whichever is more restrictive. All upland buffers shall be naturally vegetated and upland buffers that are devoid of natural vegetation shall be re-planted with native vegetation or as required by St. Johns River Water Management District and/or U.S. Army Corp of Engineers.
- D. Land uses allowed within the upland buffers are limited to hiking trails, walkways, passive recreation activities and stormwater facilities as permitted by St. Johns River Water Management District.
- E. If wetland alteration is permitted by St. Johns River Water Management District and/or U.S. Army Corp of Engineers, wetland mitigation shall be required in accordance with permit approvals from St. Johns River Water Management District or U.S. Army Corp of Engineers, whichever is more restrictive.
- F. A wildlife management plan for the project site shall be prepared based on the results of an environmental assessment of the site and any environmental permit required from applicable governmental agencies. The wildlife management plan shall be submitted to the City as part of the construction plan application. The Permittee shall designate a responsible legal entity that shall implement and maintain the wildlife management plan.
- G. To the extent practical, wetlands shall be placed in a conservation easement, which shall run in favor of, and be enforceable by, St. Johns River Water Management District or another legal entity such as a homeowners association. The conservation easement shall require that the wetlands be maintained in their natural and unaltered state. Wetlands shall not be included as a part of any platted lot, other than a lot platted as a common area, which shall be dedicated to St. Johns River Water Management District or another legal entity such as a homeowners association for ownership and maintenance.

8. TRANSPORTATION IMPROVEMENTS

All transportation improvements shall be contingent upon site plan approval by City of Leesburg staff during development review/permit application. Said approval shall also be contingent upon review and approval by the MPO, Lake County and the Florida Department of Transportation where required.

A. Traffic/Transportation Study

A traffic/transportation study shall be submitted prior to final site plan approval for review and

determination of any necessary access improvements, including any off-site improvements required by FDOT, Lake County, the MPO or the City of Leesburg. Said improvements will be the responsibility of the Permittee.

B. Roadway Improvements

The applicant shall provide all necessary roadway and intersection improvements within the development and its connection to Dixie Avenue and east of Lake Street, included but not limited to the paving of Lake Street south to Lake Harris. Any offsite improvements required by FDOT, Lake County, MPO and City of Leesburg based on a current traffic analysis shall be the developers responsibility and shall be reviewed by City staff during the site plan review process. Approval of all necessary permits and improvements as required by the City of Leesburg, the MPO, Lake County and FDOT shall include any needed right of way, signalization and improvements required to support the development.

C. Internal Circulation

Drives and accesses shall be constructed within the interior of the development such that continuous vehicular access is available among and between all structures within the development.

D. At such time that traffic improvements are required at the intersection of Lake Street and Dixie Avenue and the proposed project entrance, the City shall determine based on any additional development on the east side of Lake Street any developers payment of pro-rata sharing of the cost of the improvements.

9. LANDSCAPING AND BUFFER REQUIREMENTS

A. All landscaping and buffering shall be in accordance with regulations contained within the City of Leesburg Code of Ordinances including;

1) For each one hundred (100) linear feet, or fraction thereof, of boundary, the following plants shall be provided in accordance with the planting standards and requirements of the City of Leesburg Code of Ordinances, as amended.

- a. Two (2) canopy trees
- b. Two (2) ornamental trees
- c. Thirty (30) shrubs
- d. The remainder of the buffer area shall be landscaped with grass, groundcover, and/or other landscape treatment.
- e. Existing vegetation in the required buffer shall be protected during construction.

B. A vegetative landscape buffer area of a minimum of twenty-five (25) feet shall also be constructed and/or maintained in all areas adjacent to residential zoning classifications. Said vegetative buffer shall consist of existing trees and the required fence. A plan for the buffer shall be submitted to, and approved by, the Planning & Zoning Division during the site plan review process prior to issuance of a building permit.

C. A buffer along adjacent parcels to the north, east and south consisting of a six (6) foot solid PVC fence shall be used as a visual and security buffer for adjacent residential areas. The fence shall include a continuous decorative cap and end column features where applicable. (See Exhibit E)

D. Variations to the landscape requirements of the code may be approved by the Community Development Director, as long as the intent of the PUD and the Landscaping Code are maintained including consideration of existing natural vegetative buffers.

11. DEVELOPMENT PHASING

A. The proposed project may be constructed in phases in accordance with the Planned Unit Development Conditions and Conceptual Plan. Changes to the Development Plan, other than those conditions described in this agreement, shall be revised in accordance with the Planned Development review process.

B. Implementation of the project shall substantially commence within 36 months of approval of this Planned Development. In the event, the conditions of the PUD have not been substantially implemented during the required time period, the PUD shall be scheduled with due notice for

reconsideration by the Planning Commission at their next available regular meeting. The Planning Commission will consider whether to extend the PUD approval or rezone the property to another appropriate zoning classification.

Tony Bengé, representing Arden Company, thanked the staff for working with him on putting the package together with the guidelines. Mr. Bengé stated that he is also doing the Venetian Isle project next door. He was here to answer any questions or concerns anyone might have.

Commission Bowersox asked if the proposed property was to be sold as an owner/resident or rented. Mr. Bengé replied that right now they see it as a rental market. With the nature of the medical expansion, they found that they are going to need workforce housing. Most of what is in the area is dated.

Commissioner Townsend asked if this will be done in conjunction with the other project. Mr. Bengé replied that everything will be phased. They are going to partner with an apartment developer.

Chairman Argento asked what the Venetian Isle project was. Mr. Bengé replied that it was the 55 acre project east of the subject property that goes from Dixie Avenue to the Lake Harris shoreline.

Commissioner Marshall asked if another plan was going on in that area. Mr. Miller answered that when the Venetian Isle project was brought up before the City Commission, it was mentioned that this area had potential for future development. At the time, there was not anything solid for the plan.

Commissioner Townsend asked if Venetian Isle was going to be medical facilities as well. Mr. Miller answered that there will be single family, assisted living, memory care, a possibility of a hotel, and some medical offices. Commissioner Townsend asked if that was going to be started relatively soon. Mr. Bengé answered that it was.

Commissioner Coleman asked if there were going to be commercial and recreational uses. Mr. Miller answered that this was a conceptual plan of an acceptable development. He said it could change slightly, but the majority will have to remain as is. There will have to be recreational areas, according to the 200 sq. ft. per unit. That could include tennis, swimming, and recreational areas inside the buildings as well. Commissioner Coleman asked if they also asked for a restaurant. Mr. Miller replied that a restaurant is one of the listed permitted uses.

Commission Coleman asked why they are being limited to a 6-foot high vinyl fence. Mr. Bengé answered that there was a request from the residents for it not to be a chain link or wood fence. The vinyl was an upgrade that they offered for that. Commission Townsend stated how they actually wanted some type of berm in there. Mr. Miller said that it was requested, but it did not make it into the final conditions. Commissioner Bowersox noted that there was a gentleman who was against it who was looking for a concrete block or stucco wall.

William Leach, who lives on Monterey, stated that he wanted to express concerns. He said that he thought it was a good thing for the City, but he has concerns about the density of what's happening in that area. He didn't think the infrastructure would support the development. The streets will need curbs and gutters. And Lake Street will also need to have sidewalks. Mr. Leach said that it was not a good intersection already. He said that he thought there should be left turn lanes on both sides of the intersection. Mr. Leach also said that Arden is based in Atlanta and he would like to see Arden down here in Florida. They put their utilities underground and when a storm goes through his neighborhood, he will sometimes lose his power for up to a week.

Mr. Miller said that regarding the infrastructure, Mr. Bengé has been working with the Economic Development Director. If this project exceeds the threshold, then state money is available. There is a good possibility that the grants will come in. In terms of the traffic, the PUD requires that a traffic study be done for the area.

Mr. Leach asked that, as a citizen, is there anything they can do to help the project.

Mr. Bengé said that grants are for public improvements that will benefit the whole area. The sidewalks are something that is typically done with all communities, which will occur during the site plan approval phase. Regarding the traffic study, that will go out quite a ways to see what the waterfall effect is. He said that this is a long process and that this is just the first step.

Commissioner Townsend asked if this was going to be within the realm of the other project. Mr. Bengé stated that the two projects are abutting and on the same road. So it will benefit the overall area.

David Ohnstad, who lives at 113 Lake Shore Drive, asked if this area was going to be a rent controlled unit. Mr. Bengé replied that it was not. Mr. Ohnstad asked what the demographic of the residents were going to be. Mr. Bengé replied that the target market was going to be the hospital employees.

Mr. Ohnstad said that with Lake Street being as small as it is, in bringing in both of these projects, transportation is going to be an important part of this.

This was the end of the discussion and the voting then took place.

Commissioner Ted Bowersox made a motion to APPROVE case # RZ-13-87 – ROYAL PALMS – REZONING. Commissioner Clell Coleman SECONDED the motion which, PASSED by a unanimous voice vote of 6 to 0.

DISCUSSION ITEM

None

ANNOUNCEMENTS

The next scheduled meeting date is October 23, 2013.

The meeting adjourned at 5:40 p.m.

James Argento, Chairperson

Clell Coleman, Vice Chairperson

Dianne Pacewicz, Administrative Assistant II